

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.13-20687

RICKY DUNCAN,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO SEAL WITHOUT
PREJUDICE AND DIRECTING DEFENDANT TO PROVIDE
THE COURT WITH PROPOSED REDACTIONS**

Pending before the court is Defendant Rick Duncan's motion to file his sentencing memorandum under seal¹ in order to preserve Defendant's privacy. The motion asserts that the memorandum contains "sensitive information."

Pursuant to Federal Rules of Criminal Procedure Rule 49.1(d), "[t]he court may order that a filing be made under seal without redaction," and pursuant to Rule 49.1(e), "[f]or good cause, the court may . . . require redaction of . . . information." The Sixth Circuit has recognized a "long-established . . . presumptive right of the public to inspect and copy judicial documents and files." *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983). Most of the sentencing memorandum does not contain sensitive information justifying its sealing, and the motion was unaccompanied by a brief explaining which parts of the memorandum contain sensitive information. The memorandum contains discussions of Defendant's medical history and psychosexual

¹ The motion to file under seal was, itself, filed under seal and does not appear on the docket.

evaluation conducted on April 14, 2014, and the evaluation is attached to the memorandum as Exhibit 1. These discussions and the evaluation may contain sufficient sensitive information to warrant redaction. While the court does not find a basis for filing the entirety of the memorandum under seal, filing the sentencing memorandum with redactions, along with an unredacted version filed under seal, may be appropriate. Accordingly,

IT IS ORDERED that Defendant's Motion to Seal is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendant shall provide the court with proposed redactions of the sentencing memorandum, and accompanying exhibits by **January 16, 2015**.

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 17, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 17, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522